



Office of Appeals
U.S. Department of Housing and Urban Development
Washington, D.C. 20410-0001

In the Matter of:

Pamela Bowers,

Petitioner

HUDOA No. 11-H-CH-AWG84
Claim No. 78-0576754-0B

RULING ON MOTION FOR RECONSIDERATION AND ORDER

An Amended Decision and Order¹ issued in the above-captioned proceeding held that the debt claimed by the Secretary was past due and legally enforceable, and also held that a garnishment of 15% of Petitioner's bi-weekly wages would not cause a significant financial hardship for her. Amended Decision and Order ("Decision"), issued October 28, 2011.)

Pursuant to the Notice of Docketing, Order, and Stay of Referral ("Notice of Docketing") issued by this Court on April 14, 2011, Petitioner had 20 days from the date of the Initial Decision to submit a Motion for Reconsideration of that decision, and that such Motion would be granted only upon a showing of good cause.

On November 3, 2011, Petitioner timely filed her Motion for Reconsideration less than a week after the date of the Initial Decision. (Petitioner's Motion for Reconsideration ("Pet'r's Recon. Mot."), filed November 3, 2011.) In Petitioner's Motion she challenged certain financial figures identified by the Secretary, all of which she claimed previously as support for her claim of financial hardship. Petitioner claimed that the figures identified by the Secretary "were either incorrect or misinterpreted by the Secretary." (*Id.*, p. 1.) In this case, the alleged misinterpretation or erroneous interpretation of Petitioner's financial figures may constitute an error of fact. However, Petitioner's Motion for Reconsideration shall be **HELD IN ABEYANCE** until such time as the Secretary responds to Petitioner's assertions. Therefore, it is hereby


ORDERED that, on or before April 10, 2012, the SECRETARY shall be granted leave to file a response to Petitioner's Motion for Reconsideration and to the evidence submitted by Petitioner. It is hereby

FURTHER ORDERED that the Decision and Order issued on October 28, 2011 shall remain **IN FULL FORCE AND EFFECT**, and that this Order shall not stay the actions of the Secretary or the Department of the Treasury in proceeding with an administrative wage garnishment against Petitioner.

¹ Initial Decision and Order issued on October 25, 2011 was amended to reflect the correct name for government's counsel.

All submissions to this Court relating to this proceeding shall contain the HUDOA Docket Number and accurate names of the parties. THE PREFERRED METHOD OF SUBMISSION IS BY E-MAIL TO: oa.oe@hud.gov. In the absence of an e-mail address, submissions may be mailed or faxed to the mailing address at HUD Office of Hearings and Appeals, 451 7th Street, SW, Room B-133, Washington, DC 20410, or faxed to the facsimile (fax) number of this Court at 202/619-7304. Documents submitted to this Court by fax should be limited to a maximum of ten (10) pages and need not be subsequently mailed. Multiple copies of submissions are not needed. **A copy of all submissions to this Court shall be simultaneously provided to counsel for the opposing party, or to the opposing party directly if unrepresented by counsel.**

Failure to comply with this Order may result in a decision based on the record of the proceeding.



Vanessa L. Hall
Administrative Judge

March 20, 2012